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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 GDCM TRUST,

Case No. 2:15-cv-02153-APG-PAL

8 Movant,

**ORDER**

9 v.

(Notice of In Camera Submission – Dkt. #5)

10 UNITED STATES COMMODITY  
FUTURES TRADING COMMISSION,

11 Respondent.

12 This matter is before the Court on the Notice of In Camera Submission (Dkt. #5) filed by  
13 Respondent United States Commodity Futures Trading Commission (“CFTC”) on November 25,  
14 2015. This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and  
15 LR IB 1-3 and 1-9 of the Local Rules of Practice.

16 The Notice indicates that the CFTC’s Response to Movant GDCM Trust’s Motion to Quash  
17 Subpoenas (Dkt. #1) and accompanying exhibits have been submitted *in camera* for the Court’s  
18 consideration pursuant to the Right to Financial Privacy Act (the “Act”), 12 U.S.C. § 3401 *et seq.*  
19 Section 3410 of the Act provides that the Government may file its response “in camera if the  
20 Government includes in its response the reasons which make in camera review appropriate.” 12  
21 U.S.C. § 3410(b). The CFTC’s Opposition and the attached declaration provide support for  
22 submitting most, but not all, of the filing in camera. A large portion of the Response consists of  
23 the statutory and case law on articulating the legal standards the Court should apply in determining  
24 the outcome of the Motion to Quash.

25 There is a presumption of public access to judicial files and records. Although the CFTC  
26 is entitled to submit its confidential reasons for seeking the records at issue in camera, there is no  
27 reason the entire response should be kept confidential from the public or GDCM Trust. The  
28 CFTC’s citation to the applicable statutes, regulations, and case law supporting its position, its

1 factual arguments that it has complied with all applicable statutes and regulations, and the  
2 procedural history of its communications with opposing counsel should be part of the public  
3 record. Its reasons for requesting the records and supporting declarations need not be disclosed.  
4 The Court therefore instructs the CFTC to file and serve a redacted Response consistent with this  
5 order on or before **December 8, 2015**.

6 **IT IS ORDERED** that Respondent United States Commodity Futures Trading  
7 Commission shall FILE a redacted version of its Response on or before **December 8, 2015**, and  
8 SERVE a copy of the redacted Response on counsel for GDCM Trust.

9 Dated this 1st day of December, 2015.

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12 PEGGY A. LEEN  
13 UNITED STATES MAGISTRATE JUDGE  
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